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Attorneys for Defendant  
COUNTY OF SAN LUIS OBISPO

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

SAN LUIS OBISPO COASTKEEPER,  
LOS PADRES FORESTWATCH,  
CALIFORNIA COASTKEEPER  
ALLIANCE, and THE ECOLOGICAL  
RIGHTS FOUNDATION,

Plaintiffs,

vs.

COUNTY OF SAN LUIS OBISPO,  
Defendant.

Case No: 2:24-cv-06854 SPG (ASx)

**DISCOVERY MATTER**

**STIPULATED MOTION TO  
AMEND COUNTY OF SAN LUIS  
OBISPO'S RESPONSES TO  
PLAINTIFFS' SECOND  
REQUESTS FOR ADMISSION  
NOS. 6, 18, AND 21**

Hearing: June 12, 2025 at 10:00 a.m.  
Location: 255 E. Temple St., Los  
Angeles, CA, Courtroom 540  
Judge: Hon. Mag. Alka Sagar  
Discovery cutoff: June 13, 2025

Case No. 2:24-cv-06854 SPG (ASx)

STIPULATED MOTION TO AMEND COUNTY RESPONSES TO PLAINTIFFS' SECOND  
REQUESTS FOR ADMISSION NOS. 6, 18, AND 21

63525976

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1 TO THE HONORABLE COURT, ALL PARTIES, AND ALL  
2 ATTORNEYS OF RECORD, PLEASE TAKE NOTICE THAT on June 12, 2025,  
3 at 10:00 a.m. or as soon thereafter as counsel may be heard in Courtroom 540 of  
4 the Roybal Federal Building and United States Courthouse, located at 255 E.  
5 Temple Street, Los Angeles, California, 90012, before the Honorable Magistrate  
6 Judge Alka Sagar, Defendant County of San Luis Obispo will and hereby does  
7 move the Court for an order to amend the County's responses to Plaintiffs' Second  
8 Set of Requests for Admission Nos. 6, 18, and 21 to correct and clarify the  
9 County's responses as set forth in the Motion.

10 Good cause exists to grant this Motion. The amendment will promote the  
11 presentation of the merits of the action and there is no prejudice to Plaintiffs who  
12 stipulate to, and do not oppose, this Motion. This Motion is based upon this Notice  
13 of Motion, the Stipulation of the parties pursuant to Local Rule 37-2, and upon  
14 such other matters as may be presented to the Court at the time of this hearing or  
15 otherwise.

16 This Motion is made following a conference of counsel pursuant to Local  
17 Rule 37-1, which first occurred on April 2, 2025, and was thereafter followed by  
18 additional communications between counsel. Plaintiffs stipulate to this Motion.

19 Date: May 14, 2025

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24 KATHERINE L. FELTON  
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26 By: /s/ Katherine L. Felton

27 Katherine L. Felton

28 *Attorneys for Defendant*  
*COUNTY OF SAN LUIS OBISPO*

**I. ISSUE SUBMITTED FOR RESOLUTION**

**A. Factual and Procedural Background**

Plaintiffs commenced this lawsuit against the County of San Luis Obispo (the “County”) on August 13, 2024, asserting claims under the Endangered Species Act, 16 U.S.C. §§ 1531, *et seq.*, the California Fish and Game Code §§ 5901 and 5937, the California Public Trust Doctrine, and the California Constitution, Article X, Section 2, arising from the County’s operation and maintenance of Lopez Dam, located in Arroyo Grande Creek in San Luis Obispo County. Dkt. 1. On January 14, 2025, the Court entered the Schedule of Pre-Trial and Trial Dates (“Scheduling Order”) setting June 13, 2025, as the deadline for the Parties to complete fact discovery. Dkt. 79-1. Trial is scheduled for March 10, 2026. *Id.*

The Parties have been engaged in fact discovery, including the exchange of all forms of written discovery – interrogatories, requests for production and requests for admission – and this process is ongoing. Declaration of Katherine Felton (“Felton Decl.”) at ¶ 3. This Motion concerns the County’s responses to three of Plaintiffs’ requests for admission (Nos. 6, 18, and 21) contained in Plaintiffs’ Second Set of Requests for Admissions (the “Second RFAs”). The County produced its responses to Plaintiffs’ Second RFAs, which contained 277 requests, on March 5, 2025. Felton Decl., ¶ 4. In a letter dated March 25, 2025, Plaintiffs requested to meet and confer to discuss the County’s responses, and the parties subsequently met and conferred on April 2, 2025. Felton Decl., ¶ 5. As a result of the meet and confer, the County agreed to review its responses to determine if amendment was necessary and to advise the Plaintiffs of its determination. Felton Decl., ¶ 5.

On April 30, 2025, the County advised Plaintiffs that the County would seek to amend its responses to RFAs Nos. 6, 18, and 21 to clarify the responses, and the

County requested that Plaintiffs stipulate to a motion. Felton Decl., ¶ 6. On May 9, 2025, Plaintiffs requested to review the County's proposed amendments which the County provided on May 12, 2025, in redline as follows:

**REQUEST FOR ADMISSION NO. 6:**

*Please admit that YOU have authority and control over the maintenance of the ponds at the base of LOPEZ DAM, and that YOU maintain the ponds located at the base of LOPEZ DAM.*

**RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

*The County hereby incorporates by reference General Objections 3–6 to this Request. The County further objects that this Request is vague and ambiguous in referring to “ponds” in the plural without providing an adequate description of the specific locations and/or other information such that each pond referenced in the Request is clearly identified.*

*Subject to the County's Preliminary Statement, General Objections, and the specific objections identified above, the County answers as follows: The County admits that it has authority and control over the maintenance of the frog ponds that are located at or near the base of Lopez Dam and that it does maintain these frog ponds. ~~The County denies it has authority or control over maintenance, or that it maintains, any other ponds.~~*

\* \* \* \*

**REQUEST FOR ADMISSION NO. 18:**

*Please admit that YOU own, operate, and maintain the double arch culvert at Biddle Regional Park.*

**RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

*The County hereby incorporates by reference General Objections 3–6 to this Request.*

*Subject to the County's Preliminary Statement and General Objections identified above, the County answers as follows: The County admits it owns, operates and maintains the double arch culvert at Biddle Regional Park, subject to any limitations stemming from exercise of applicable federal and state laws or regulatory authorities. ~~The County denies it maintains the double arch culvert at Biddle Regional Park.~~*

\* \* \* \*

**REQUEST FOR ADMISSION NO. 21:**

Please admit that YOU owned, operated, and maintained the fish passage impediment identified as PAD\_ID736895 (Passage ID 13262).

**RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

*The County hereby incorporates by reference General Objections 3–6 to this Request. The County further objects to this Request as an impermissible compound request.*

*Subject to the County's Preliminary Statement and General Objections identified above, the County answers as follows: The County denies it operated and maintained the concrete weir structure that was in ~~Arroyo Grande Creek~~ Tar Springs Creek and identified as fish impediment PAD\_ID736895 (Passage ID 13262). After reasonable inquiry, the County lacks information sufficient to determine whether it owned the structure PAD\_ID736895 (Passage ID 13262), and therefore denies that it did. The County admits it removed the structure when the bridge was replaced.*

Felton Decl., ¶ 7. On May 12, 2025, Plaintiffs agreed to stipulate to the County's motion to amend these responses as set forth herein. Felton Decl., ¶ 8. The issue presented is whether the Court should enter an Order granting the Motion to allow amendment where the need has been timely raised, will promote the presentation of the case on the merits, and where Plaintiffs stipulate to amendment.

**B. Legal Standard for Amending Requests for Admission**

Federal Rule of Civil Procedure 36(b) provides that “[a] matter admitted under this rule is conclusively established unless the court, on motion, permits the admission to be withdrawn or amended. Subject to Rule 16(e), the court may permit withdrawal or amendment if it would promote the presentation of the merits of the action and if the court is not persuaded that it would prejudice the requesting party in maintaining or defending the action on the merits.” Fed. R. Civ. P. 36. The Court considers both elements (promoting presentation of the merits of the case and prejudice) in determining whether to exercise its discretion to grant a motion to amend responses to requests for admission. *Conlon v. United States*, 474 F.3d 616, 621 (9th Cir. 2007); *Jimena v. UBS AG Bank*, No. CV-F-07-367 OWW/SKO, 2010 WL 4624863 at \*5 (E.D. Cal. Nov. 3, 2010).

**C. The Court Should Allow Amendment In This Case**

Amendment to the County’s responses to RFA Nos. 6, 18, and 21 is appropriate because it is raised timely, will promote the presentation of the case on the merits, and presents no issue of prejudice to Plaintiffs at trial as the Plaintiffs have stipulated to the County’s Motion. Fed. R. Civ. P. 36(b). Accordingly, the Court should exercise its discretion to allow amendment in this case.

***1. The Need for Amendment is Timely Raised***

As set forth above, Plaintiffs’ Second RFAs contained 277 separately numbered requests. Felton Decl., ¶ 4. The County produced its responses and objections to Plaintiffs on March 5, 2025. Felton Decl., ¶ 5. Plaintiffs requested a meet and confer regarding the County’s responses on March 25, 2025. Felton Decl., ¶ 5. The Parties conducted the meet and confer on April 2, 2025, and the County agreed to thereafter review its responses. Felton Decl., ¶ 5. On April 30, 2025, the County advised Plaintiffs that its responses to requests for admission Nos. 6, 18, and 21 require amendment and the County requested that Plaintiffs



1 stipulate to allow the amendment. Felton Decl., ¶ 6. On May 9, 2025, Plaintiffs  
2 requested to review the proposed amendments. Felton Decl., ¶ 7. On May 12,  
3 2025, the County provided Plaintiffs with the redline of the proposed amendments  
4 as set forth above. Felton Decl., ¶ 7. On May 12, 2025, Plaintiffs confirmed  
5 agreement to stipulate to a motion by the County to amend the responses. Felton  
6 Decl., ¶ 8. The County has acted promptly with respect to this matter and worked  
7 to resolve the dispute with Plaintiffs by seeking agreement to allow amendment.

8 **2. *The Corrections Promote Presentation of the Case on the***  
9 ***Merits***

10 As set forth above, the County identified three responses that require  
11 correction and clarification to accurately respond to the factual matters addressed  
12 in the request. Specifically, with respect to the County's response to RFA No. 6,  
13 the County's amendment is necessary to identify that there is more than one frog  
14 pond that the County maintains, and to clarify the locations of these frog ponds are  
15 at or near the base of the Lopez Dam.

16 In response to RFA No. 18, the County's amendment is necessary to correct  
17 an inconsistency within the response. Currently, the last sentence of the response  
18 contradicts in part the preceding portions of the response as it relates to the  
19 maintenance of the Biddle Park double arch culvert.

20 Finally, in response to RFA No. 21, the County's amendment is necessary to  
21 correct the location of the potential fish impediment identified as PAD\_ID 736895.  
22 The correct location of PAD\_ID 736895 is in Tar Springs Creek, a tributary to  
23 Arroyo Grande Creek. The current response erroneously identifies the location of  
24 PAD\_ID 736895 as Arroyo Grande Creek. Accordingly, the amendment is  
25 necessary to correctly identify the location.

26 These amendments promote the presentation of the case on the merits by  
27 ensuring that the responses accurately reflect factual information relating the  
28



subject matter of the requests.

**3. No Prejudice Will Result from Allowing Amendment**

Plaintiffs stipulate to this Motion and have reviewed the proposed amendments prior to filing. There is no dispute between the Parties as to whether the Court should allow amendment or whether there will be prejudice to Plaintiffs at trial resulting from allowing the amendment. Accordingly, this element of the test is not at issue and does not preclude amendment.

**II. CONCLUSION**

For the foregoing reasons, the County respectfully requests the Court grant this Motion and enter an Order allowing for amendment of the County's responses to RFAs Nos. 6, 18, and 21.

Date: May 14, 2025

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**COUNTY OF SAN LUIS OBISPO**

ENVIRONMENTAL ADVOCATES  
CHRISTOPHER SPROUL  
BRIAN ORION  
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By: /s/ Christopher Sproul

Christopher Sproul

*Attorneys for Plaintiffs*

**Certification of Multiple Signatures**

Pursuant to Local Rule 5-4.3.4(a)(2)(i), I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

By: /s/ Katherine L. Felton  
Katherine L. Felton